

CRM-M-20629-2026

2026:PHHC:057368



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Sachin Kumar

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: April 16, 2026

Date of Uploading: April 17, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Atul Yadav, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition is the second attempt under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 438 Cr. P.C.) for grant of anticipatory bail to the petitioner, in case bearing FIR No.1488 dated 22.12.2022, registered for the offences punishable under Sections 420/ 467/ 468/ 471 of the IPC, 1860 (now Sections 318(4), 338, 336(3) and 340(2) of the BNS, 2023), at Police Station Sadar Hisar.

2. The gravamen of the allegations against the petitioner is that the Commandant, HAP-DURGA-Ist Battalion, Hisar wrote to SP, Hisar for registration of criminal case against candidate Divya Kumari No.3354/OI dated 06.12.2022. It was alleged that 698 female candidates had been allotted to the battalion for appointment to the post of Constable. As per the reports from the Universities, it was found that candidate – Divya Kumari, bearing Roll No.

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4203110724, Category-BC-B, had used bogus/fake educational documents (Degree of Graduation from Manav Bharti University, Himachal Pradesh and Degree of Post Graduation from State of Karnataka Open University, Mukthagangotri Mysure) for availing the job of Constable. Upon receipt of Original educational certificates and their verification report from the Universities, the said documents were found bogus. Accordingly, a formal FIR was got registered.

During investigation, Divya Kumari revealed that the said BA and MA degrees had been delivered to her by Sachin Kumar (*petitioner herein*) and had made her to appear for B.A. Examination.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner was not named in the FIR in question, and he has been implicated in the present case after a delay of more than 2½ years and that too only on the basis of disclosure statement of co-accused, namely, Divya Kumari, and such disclosure is not tenable in law. Learned counsel has submitted that it is highly unbelievable that in respect fake/ bogus degrees having been delivered to the co-accused, in the year 2016-17, an alleged transaction was made, in the year 2021 (after a delay of about 04 years) by the husband of the co-accused into the account of the petitioner. Learned counsel has further submitted that, in fact, in the year 2024, brother of the petitioner had died unfortunately, who used to run a Coaching Centre and said co-accused had dealings with the brother of the petitioner, but after the death of brother of the petitioner, co-accused chose to falsely implicate the petitioner, with some ulterior motive. Learned counsel has submitted that the entire case is based on

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documentary evidence and the same is already in the custody of the investigating agency.

3.1. Learned counsel for the petitioner has argued that co-accused, namely, Divya Kumar has been granted concession of anticipatory bail by this Court, vide order dated 16.05.2024 passed in **CRM-M-12569-2024**.

3.2. Learned counsel has submitted that earlier the petitioner had approached this Court for grant of anticipatory bail by way of **CRM-M-66199-2025**, and the same came to be dismissed on merits thereof, vide order dated 26.11.2025.

3.3. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further iterated that the petitioner is ready and willing to join investigation, and no purpose would be served by keeping the petitioner behind bars. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. On the other hand, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. Learned State counsel has stated that the petitioner had indulged in non-ethical activities by illegally providing fake/ bogus degrees to co-accused, namely, Divya Kumari. It has been asserted that disclosure statement of the co-accused is duly corroborated by electronic evidence seized during investigation. According to learned State counsel, the petitioner is stated to be the person who arranged the bogus/ fake degrees and facilitated the examination and forming part of a larger fraudulent mechanism in securing public employment. Learned State counsel has emphasized that custodial interrogation of the petitioner is essential to unearth entire chain of

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persons involved and the source of the forged documents. It is therefore, submitted that the present petition is devoid of merit and is liable to be dismissed.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65, relevant whereof reads as under:

“11. As an epilogue to the above rumination, the following principles emerge:

I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II Such second/successive anticipatory bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive anticipatory bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

7. Apart from it being second anticipatory bail, as per the case put forth in the FIR in question, indubitably, serious allegations have been leveled

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against the petitioner. As per prosecution case, material which has come on record indicates that the allegations against the petitioner pertain to procurement and supply of forged degrees to co-accused, thereby, facilitating co-accused to secure recruitment into the police force. The mere fact that the petitioner was not named in the FIR is of no help as the FIR is not expected to be an encyclopedia of facts and the role of the petitioner surfaced during the course of investigation on the basis of material subsequently collected. Furthermore, the disclosure statement of the co-accused has led to recovery of the electronic material, which *prima facie* corroborates involvement of the petitioner and, therefore, the same cannot be brushed aside, at this stage. As per prosecution case, custodial interrogation of the petitioner is essential to trace source of forged documents and unravel larger conspiracy (if any). The delay in implicating the petitioner does not weaken the prosecution case as role of the petitioner surfaced only during investigation.

7.1. The plea of parity with co-accused, namely, Divya Kumari is also misplaced as her role as a beneficiary is distinct from the alleged active involvement of the petitioner in procuring the forged documents. The role attributed to the petitioner is demonstrably more active, grave and culpable in comparison to that of the co-accused who has already been enlarged on bail. The petitioner is alleged to have played a central and overarching role in the commission of the offence indicating a higher degree of involvement and *mens rea*. Accordingly, the petitioner cannot claim parity with the co-accused as the principle of parity does not apply where the degree of participation and the gravity of allegations materially differ. The seriousness and gravity of the allegations weigh heavily against the grant of anticipatory bail to the petitioner.

The allegations against the present petitioner relate to the procurement, facilitation and use of the forged educational degrees for securing public employment in the police force. Such an act strikes at the root of the institutional integrity and public trust and, therefore, warrants a strong judicial approach.

7.2. It is trite law that anticipatory bail is an extraordinary remedy not to be granted as a matter of course particularly in cases involving forged educational degrees for securing public employment in the police force. While considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. In the considered opinion of this Court, granting anticipatory bail to the petitioner at this stage may likely to hamper the on-going investigation.

7.3. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7.4. Furthermore, the investigation is still at a crucial stage, and custodial interrogation of the petitioner is considered necessary to unearth the complete facts and to ascertain involvement of any other persons connected with the case. The petitioner is yet to be arrested and grant of anticipatory bail, at this stage, may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation and possibility of tampering with evidence or obstructing justice, this Court is of the view that the petitioner does not deserve the concession of bail at this juncture.

8. It is befitting to mention here that while considering plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under, relevant whereof reads as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

9. That apart, indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed on merits thereof by this Court on 26.11.2025. It is well settled that a second anticipatory bail petition seeking

identical relief is not maintainable unless there is a substantial change in circumstances after the disposal or withdrawal as per the jurisprudence on bail. The grounds urged in the present petition appear to be the same as those which were available to the petitioner at the time when the earlier petition was withdrawn. In the absence of any new fact, development or change in circumstances, entertaining successive petitions would amount to permitting repeated attempts for the same relief, which cannot be countenanced in law. Therefore, notwithstanding the submission regarding the role attributed to the petitioner, this Court finds that the present petition suffers from the vice of maintainability, as no change in circumstances has been demonstrated after the withdrawal of the earlier anticipatory bail petition. Accordingly, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. Furthermore, there is no change *nay* substantial change in circumstances which may weigh, in favour of entertaining the instant second petition for anticipatory bail. *Ergo*, the instant petition deserves dismissal on this score alone.

10. It is evident that the last plea for grant of anticipatory bail to the petitioner was dismissed on merits thereof on 26.11.2025, and the petition in hand has been filed on or around 10.04.2026. The conduct of the petitioner in avoiding arrest for such a prolonged period without any reasonable cause must be considered while adjudicating this second petition. The process of justice is meant to treat every individual in a manner which is equitable and fairly. However; if the petitioner-accused chooses to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating lawful proceedings/investigation, it tantamount to an abuse of the process of justice. While liberty and dignity of an individual must be held high, however, no one

can be permitted to subvert and cause devolution in the process of justice. Protracted absence, eluding the process of law and abrupt repetition of pleas for pre-arrest bail, in absence of convincing reason(s) is certainly not an act/behaviour which calls for sympathy/indulgence of the Court. Therefore, the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, disentitles the petitioner for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition.

11. There is another aspect *namely* vital aspect of the matter which deserves to be addressed by this Court.

The sanctity of the judicial process is predicated upon the principle of finality of judicial orders. While there is no express statutory embargo against the filing of successive applications for anticipatory bail, such a right is not an absolute charter for *procedural adventurism*. A litigant who approaches the same Court for the same relief, absent any material change in circumstances engages in a stratagem of attrition that is less a pursuit of justice and more an exercise of *testing the waters*. Such a practice constitutes a classic case of forum shopping, wherein the litigant treats the halls of justice as a laboratory for speculative litigation. By repeatedly knocking on the same door without a fresh cause of action, such a litigant attempt to circumvent the hierarchy of the courts ignoring the well-settled principle that a party aggrieved by an order must ascend the judicial ladder rather than move horizontally in hopes of a more favourable wind.

11.1 Pertinently, this *hit and try* methodology is a malady that must be detested by this Court, as it strikes at the very root of judicial propriety. To permit a litigant to treat the dismissal of a prior petition as a mere interlocutory suggestion, rather than an authoritative pronouncement, is to invite judicial anarchy. When a Court is invited to re-evaluate the same facts and the same law previously adjudicated upon, it creates a perilous risk of conflicting orders, thereby eroding the public faith in the consistency and majesty of the law. The judicial time is a precious public resource, and its diversion into the redundant channels of repetitive pleas is a vexatious abuse of process. There is no gainsaying that if there is material change in circumstances the second/subsequent plea ought to be considered on merits thereof, however, if such a second/subsequent plea is based on similar factual *milieu*, the same ought to be nipped in the bud with an iron hand. Pertinently, such vexatious and virulent attempt(s) by unscrupulous elements, aimed at misusing the process of law and Courts, ought to be detested. The sanctity of the judicial process will be seriously eroded if such attempt(s) is not responded with firmness. A litigant who misuses the process of law or take liberties with the procedural concession should be left in no doubt about the consequences to follow. Others should be discouraged not to venture along the same path in the hope or on a misplaced expectation of judicial leniency or indulgence. Exemplary costs, in such a situation are inevitable and necessary, so as to ensure that in litigation, as in the law which is rather practiced in our Country, there is no premium on such a misplaced adventurism. Accordingly, costs, which ought to be veritable and real time in nature, to be imposed upon the petitioner.

12. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition in hand is devoid of merits and is hereby **dismissed** with costs of ₹10,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Hisar within four weeks from today. In case such costs are deposited; CJM, Hisar shall have the same remitted to the District Legal Services Authority, Hisar. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Hisar is directed to intimate the Deputy Commissioner, Hisar who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Hisar shall have the same submitted to CJM, Hisar, for further remittance thereof to The District Legal Services Authority, Hisar. A compliance report be sent by CJM, Hisar as also Deputy Commissioner, Hisar to this Court, accordingly;
- (ii) Registry is directed to transmit a copy of this judgment to CJM, Hisar as also Deputy Commissioner, Hisar for requisite compliance;
- (iii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iv) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 16, 2026
mahavir

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No